



500 Fifth Avenue
50th Floor
New York, New York 10110

T +1 212 319 4755

www.kwm.com

March 28, 2024

Via ECF

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

**Re: *Chenming Holdings (Hong Kong) Limited v. John Does 1-10*,
Case No. 1:24-cv-00935-KPF**

Dear Judge Failla:

This Firm represents Plaintiff Chenming Holdings (Hong Kong) Limited (“Plaintiff” or “Chenming”) in the above-captioned action. Pursuant to Local Rules 7.1(d) and 37.2 and Sections 2(C) and 3(C) of Your Honor’s Individual Practices, Plaintiff respectfully submits this letter to request that the Court enter a Discovery Confidentiality Order in the form attached hereto as **Exhibit A**. Non-party bank Citibank, N.A. (“Citi”) has refused to produce any documents responsive to the court-ordered subpoena (*see* ECF No. 10) absent entry of a confidentiality or protective order.

Plaintiff filed a motion for expedited discovery (“Motion”) on February 26, 2024, seeking immediate discovery from several non-party banks for information that could allow Plaintiff to identify and serve process on the John Doe defendants. *See* ECF No. 9. The Court granted the Motion and so ordered the subpoenas attached to it. *See* ECF No. 10. On February 28, Plaintiff served the subpoena on Citi. *See* ECF No. 12.

Citi has had over one month to consider the subpoena so ordered by this Court but has yet to comply. In fact, it has refused to produce any document absent the entry of a confidentiality order. Without the necessary information to identify defendants, Plaintiff has heretofore been unable to confer with defendants regarding the entry of a discovery confidentiality order in this action.

To efficiently facilitate the non-party discovery and allow Plaintiff to obtain the necessary identifying information to serve process on defendants and prosecute its claims, Plaintiff respectfully requests that the Court enter the attached Discovery Confidentiality Order, which is in substantially the same form as the model confidentiality and protective orders available from the Court’s website. *See, e.g.,* Fed.R.Civ.P. 26(c)(1)(G) (permitting protective orders “requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way); *Duling v. Gristede’s Operating Corp.*, 266 F.R.D. 66, 71 (S.D.N.Y. 2010) (indicating Rule 26(c) “allows for the crafting of appropriate relief, including ‘that the disclosure or discovery may be had only on specified terms and conditions.’ ”) (internal quotation omitted).

Dated: March 28, 2024

Respectfully submitted,



KING & WOOD MALLESONS LLP

By: /s/ Vincent Filardo, Jr.
Vincent Filardo, Jr.
Aaron T. Wolfson
500 Fifth Avenue, 50th Floor
New York, NY 10110
(212) 319-4755
vincent.filardo@us.kwm.com
aaron.wolfson@us.kwm.com